



2024:DHC:6110



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 14.08.2024

+ CRL.M.C. 6343/2024

SAURABH GUPTA AND ORS.

.....Petitioners

Through: Mr. Ashok Jain, Ms. Pooja Jindal,
Ms. Ishita Singhal, Mr. Arun Fagna,
Mr. Vivekanand Bhardwaj,
Mr. Sandeep Singh, Mr. Ankit Kumar
Singh, Mr. Sunny Vashisht,
Ms. Prerna Sharma and Ms. Sudha,
Advocates with Petitioners-in-person.

versus

THE STATE OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Satish Kumar, APP for State with
SI Pancham Kumar, PS: Sadar Bazar.
Mr. Rajiv Kumar Sharma, Ms. Pooja
Shukla and Mr. Darshdeep Singh,
Advs. for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 24238/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 6343/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 0534/2021, under Sections 498A/406/342 IPC, registered at PS: Sadar Bazar and proceedings emanating therefrom. Chargesheet has been filed under Sections 498A/406/34 IPC.



2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 in person appear on advance notice and accept notice.
3. In brief, as per the case of the petitioners, marriage between petitioner No. 1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 15.12.2018. No child was born out of the wedlock. Due to matrimonial differences, petitioner No. 1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 12.08.2021.
4. The disputes have been amicably settled between the parties in terms of Settlement dated 18.04.2024. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 01.07.2024.
5. An amount of Rs. 10,00,000/- has been paid to respondent No. 2 through DD No. 283330 dated 12.07.2024 amounting Rs. 5,00,000/- drawn on Indian Overseas Bank, and DD No. 527774 dated 14.08.2024 amounting Rs. 5,00,000/- drawn on ICICI Bank, in favour of respondent No. 2. Balance amount of Rs. 5,00,000/- is stated to have been already paid to respondent No. 2.
6. Learned APP for the State submits that in view of amicable settlement between the parties, he has no objection in case the FIR in question is quashed.
7. Petitioners in the present case seek to invoke the powers under Section 482 of the Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of Court. In which cases,



the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalized list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

8. Petitioner no. 1 and 2 and respondent No. 2 in person and petitioner no. 4 through VC have been identified by SI Pancham Kumar, PS: Sadar Bazar. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

9. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. The chances of conviction are bleak in view of amicable settlement between the parties. Consequently, FIR No. No. 0534/2021, under Sections 498A/406/34 IPC, registered at PS: Sadar Bazar and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

AUGUST 14, 2024/R